

## **REQUIREMENTS FOR AMERICAN REINVESTMENT AND RECOVERY ACT (ARRA) NON-CLASS 1 PAVING PROJECT FUNDING**

Only cold planing and filling less than 2 inches, overlay less than 2 inches, or other surface treatment less than 2 inches and associated pavement marking and associated drainage adjustment will be considered eligible for ARRA funding. While other work may be included in a project, that work will not be eligible for ARRA participation.

It is the intent of the Agency of Transportation to have at least one project in each county, and that priority will be given to those projects located in “economically distressed areas” as defined in Section 301 of 42 U.S.C. 3161. Those areas are areas that meet one or more of the following criteria: (1) Low per capita income – being the area has a per capita income of 80 percent or less of the national average. (2) Unemployment rate above national average – being the area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate. (3) Unemployment or economic adjustment problems – being the area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions. All towns in Caledonia, Essex, and Orleans Counties meet criteria one, while towns that meet criteria two are indicated on the attached map. At present, there are no Vermont towns meeting criteria three.

Projects will be evaluated using the following parameters:

- A. Located in an “economically distressed area:” 10 points if YES; 0 points if NO.
- B. Existing Pavement Condition (rated by AOT): 0 points for Good; 1 point for Fair; 3 points for Poor; 5 points for Very Poor.
- C. Town’s commitment for local match.
- D. Agency of Transportation’s determination of ability to meet federal obligation by December 1, 2009. Yes (or will meet the date), 5 points; No (or not likely to meet the date), 0 points
- E. Ratio of ARRA funds to total project cost. 80% 0 points; 79%-70% 2 points; 69%-60% 4 points; 59%-50% 6 points

The highest scoring projects in each county will be considered for selection.

Due to the administrative effort involved in managing a federally-aided project, the minimum size for an eligible project will be \$300,000 in Federal funds. Additionally, to maximize the availability of the yet-to-be-determined amount of funds available, maximum project size will be \$750,000 in Federal funds, although exceptions may be made for compelling projects.

Projects must be eligible for federal aid funding. This means that the project must be on a roadway functionally classified as a major collector or any other Class 2 or Class 3 roadway that qualifies as a Federal-aid Highway. Functional Classification information can be obtained from a Regional Planning Commission or the CCMPO. Additionally, the information is shown on a map at:

[http://www.aot.state.vt.us/Planning/Documents/HighResearch/Publications/RuralFunc1Statewide\\_2008.pdf](http://www.aot.state.vt.us/Planning/Documents/HighResearch/Publications/RuralFunc1Statewide_2008.pdf)

Because the American Recovery and Reinvestment Act (ARRA) has a firm deadline for when project funds must be obligated with the Federal Highway Administration (FHWA), all local projects must meet strict deadlines for all approvals by VTrans and FHWA. If projects do not meet these deadlines, they will be cancelled with no reimbursement of any project costs. Specifically, projects must meet the following deadlines, which all require substantial prior submittals, comment, and review by VTrans:

- November 1, 2009: FHWA Environmental Document (Categorical Exclusion) approved; VTrans Right-of-Way Clearance (including a State Access Permit for work in State Right-of-Way if required); and all required Federal, State, and Local permits obtained.
- November 15, 2009: Final Project Plans, Specifications, & Estimate and bid documents complying with all FHWA and State of Vermont requirements submitted to VTrans.
- December 1, 2009: Construction funding authorized (obligation) by FHWA.
- January 15, 2010: Construction contract by Local Sponsor signed with contractor.

**A Minimum Local Match of 20% of the total cost for these projects will be required.**

ARRA Funding (and required match) is for reimbursement of the costs of Construction, Materials, and Construction Oversight/Engineering only. Sponsors will be responsible for **all** costs of Administration, Design, and Permitting required to obtain authorization from VTrans to go to Construction.

Federal funding requires that all projects must be publicly and competitively bid and awarded per FHWA regulations. This means that projects cannot be constructed by Municipal Forces (“Force Account”). This requirement differs from normal Class 2 paving grants awarded through VTrans. The Agency’s normal grant funding is comprised of 100 percent state funds, therefore federal rules do not apply. Money awarded through ARRA is 100 percent federal, therefore all federal requirements pertain. All iron and steel products must be certified per Buy America provisions, and Davis-Bacon Wage Rates and administrative reporting will apply to all project activities.

Full-time Construction Oversight is required for all projects, and should be included in your cost estimates. To be eligible for reimbursement, all such Oversight/Engineering Services must also be competitively procured per Federal regulations.

At a minimum, ARRA Funding requires that the Sponsor obtain monthly reporting on the number of all employees, the number of hours worked, and the value of all payroll wages paid by both prime and sub-contractors performing eligible project activities, and these monthly reports must be submitted on time to the Agency.

Because requirements for ARRA-funded projects are still being developed by Federal authorities, there may be additional requirements beyond those stated here.

Federal authorities have notified the State that personnel from Washington, DC, will be assigned to Vermont to conduct field inspections and make spot checks at ARRA-funded construction projects to ensure that all Federal requirements are being met. These are in addition to reviews that will be conducted by the local office of the FHWA.

Projects selected for ARRA funding will need to be administered by a municipality under a Cooperative Agreement managed by VTrans Local Transportation Facilities (LTF) Section. Municipalities hosting such projects shall be required to retain a Municipal Project Manager. Additionally, certifications mandated pursuant to the 2009 American Recovery and Reinvestment Act may need to be made by the chief executive of the respective municipality.

**For questions about this application and what projects are eligible please contact Jim Bush by phone at 802 828 1468.**

TO BE CONSIDERED FOR ARRA Non-CLASS 1 ROADWAY PAVING FUNDING, Please fill out this Checklist and attach to it the following materials at a minimum:

Town: \_\_\_\_\_ Total Project Estimated Cost\$ \_\_\_\_\_

Federal \$ Requested: \_\_\_\_\_

- \_\_\_\_\_ 1. Provide a Full-Size Set of Complete Project Plans, if available, which should include the following:
- Existing conditions and contours
  - All proposed work and limits of proposed work
  - Layouts
  - Existing Right-of-Way lines
  - Existing utilities and proposed relocations
  - Details and applicable current VTrans Standard Drawings
  - Permanent erosion control and stormwater facilities
  - Pay items and estimated quantities
  - General project notes

Project plans are required for Federal environmental and right-of-way reviews and construction procurement procedures. Projects without plans have little hope of complying with the required ARRA deadlines and are highly unlikely to receive an offer of funding.

- \_\_\_\_\_ 2. It is the expectation of the FHWA that work will be conducted in accordance with the Agency's 2006 Standard Specifications for Construction. However, if detailed project special specifications are needed for certain specific work, they should also be provided

- \_\_\_\_\_ 3. Provide a complete, current and detailed estimate of construction costs and construction engineering/inspection for your project.

- \_\_\_\_\_ 4. Provide a 1 page summary describing your project and why you think you will be able to fulfill all requirements and to bid construction by 12/1/2009.

- \_\_\_\_\_ 5. Provide a detailed map locating the project and indicating the extent of construction.

- \_\_\_\_\_ 6. Provide a statement concerning the status of Right-of-Way required for this project, if any, including easements and acquisitions of any kind (including temporary construction easements). If you have draft ROW plans and documents and/or acquired easements, include those.

- \_\_\_\_\_ 7. If this project involves construction in State Right-of-Way, include your approved Access Permit for construction or details on your contacts and reviews by the VTrans Utilities section towards obtaining the permit.

- \_\_\_\_\_ 8. Provide a statement outlining the extent and number of Utility relocations required by your project and the status of your coordination with all affected utilities.

- \_\_\_\_\_ 9. Provide a statement outlining your project's impact on wetlands, floodways or floodplains, or streambank buffers and your progress in obtaining any necessary reviews, permits or sign-offs.

- \_\_\_\_\_ 10. If any part of your project is located within a Stormwater Impaired Watershed, please attach details on how you have addressed Stormwater in your design.

\_\_\_\_\_ 11. If your project involves or may involve any land with Hazardous/Residual Waste Liabilities, please address how these issues have been/will be resolved by 9/1/09 in a separate statement.

\_\_\_\_\_ 12. If your project requires State or Local permits, Act 250 permit or amendment, or U.S. Army Corps of Engineers or U.S. Coast Guard permits, please address how these permits are sure to be obtained by 11/15/09.

\_\_\_\_\_ 13. Provide a detailed outline of the sources of your local match and how they will be provided/made available.

Will you accept an award less than the full amount requested? \_\_\_\_\_ YES \_\_\_\_\_ NO

I hereby attest that the information contained in and attached to this application is accurate and complete to the best of our ability and that our organization is committed to providing the required match for any award. My organization understands that any willful misrepresentation of fact or circumstance contained in this application will be grounds for cancellation of any award made based upon this application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Sponsor/Town

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**ALL APPLICATIONS** (the signed checklist and attachments) are due in hand or postmarked by Friday, May 15<sup>th</sup>, 2009 to:

Attn: Eileen Blake-Sayers  
Office of the Secretary of Transportation – 5th Floor  
Vermont Agency of Transportation  
One National Life Drive  
Montpelier VT 05633-5001

**Originals only will be accepted; no fax, electronic/.pdf, or late submissions will be accepted.  
No “additional” materials will be accepted after the deadline. Please do not send them.**